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1 A. Is that on this different sheet of paper?  
 2 Q. It's on the one that's marked "Exhibit 1". Here you  
 3 go.  
 4 A. Oh, here it is. I got it.  
 5 MR. MONROE: You got it right there.  
 6 MR. McPHERSON: Okay.  
 7 Q. And it's phrased, "All known information regarding  
 8 failure of parasail tow ropes in Petitioner's parasailing  
 9 operations prior to the subject accident."  
 10 Now, I gather you may have seen in Jason Bernt's  
 11 testimony that he identified two prior failures when he  
 12 testified in the case.  
 13 Did you see that?  
 14 A. I don't recall seeing that. I didn't get to read  
 15 his -- all of his deposition. I only read part of it.  
 16 Q. Okay.  
 17 A. I don't think I recall seeing that because I didn't  
 18 get that far into his depo, to be honest. I didn't read the  
 19 whole depo.  
 20 Q. Sure.  
 21 A. So...  
 22 Q. Okay. Well, I have it here. So we can refer to it  
 23 if we need to, but I think I can accurately represent to you  
 24 essentially what he said, which is that there were two  
 25 incidences where the tow line failed, or parted, with

1 this case.  
 2 Is that your understanding, also?  
 3 A. I do believe they were both Sampson Technologies  
 4 ropes, yes.  
 5 Q. Okay. And I think he --  
 6 A. I don't know if it was the same line per se, the  
 7 same spool of line, but I believe it was manufactured by the  
 8 same company, that's correct.  
 9 Q. Okay. The Sampson Rope Technologies Company  
 10 manufactures a pretty wide range of rope products, right?  
 11 A. I believe they are the largest in the world.  
 12 Q. Yeah. So what I meant was this specific type of  
 13 line I think he -- I think Mr. Bernt called it blue steel?  
 14 A. That's correct.  
 15 Q. That's a particular type of Sampson line, right?  
 16 A. That's correct.  
 17 Q. Okay. So if I understand you correctly, what you're  
 18 saying is it was that same type of line, but not necessarily  
 19 the exact same length of line that was involved in these --  
 20 A. That's exactly what I'm saying.  
 21 Q. -- incidences? Okay. All right.  
 22 You think there may have been as many as three  
 23 incidents prior to the --  
 24 A. I believe it was two, three maybe counting the  
 25 incident why we're here today.

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1 passengers aloft; in other words, parasailing up in the air,  
 2 parasailing at the time.  
 3 A. I understand.  
 4 Q. During roughly the summer that he worked for the  
 5 company last year prior to the accident involved in this case.  
 6 A. I understand.  
 7 Q. Okay. So was the company aware of those two  
 8 incidents that Mr. Bernt identified?  
 9 A. I believe there were two or three line partings, and  
 10 if those are the same that he's referenced, then, yeah, of  
 11 course the company knew.  
 12 Q. Okay. And that, I gather, would have been reported  
 13 by one or the other of the crew?  
 14 A. It would be written down probably on the ship's log,  
 15 on the maintenance log.  
 16 Q. Okay. In any event, you and the -- as a company's  
 17 manager, operations manager, you were aware of it?  
 18 A. Yes.  
 19 Q. Did you learn what caused those lines to part, or  
 20 did the company learn what caused those lines to part?  
 21 A. No, we never did.  
 22 Q. Okay. And I believe Mr. Bernt testified that the  
 23 line that parted in those instances was the same product; in  
 24 other words, the same type of line made by the same  
 25 manufacturer as the one that was involved in the accident in

1 Q. Okay. And you think that the prior incidents might  
 2 have been notated in some company record?  
 3 A. I'm sure, and they should have been. Normally that  
 4 stuff is written down.  
 5 Q. Okay. So the company would retain those records, at  
 6 least for this time period, right, a little bit more than a  
 7 year after, wouldn't they?  
 8 A. That's correct.  
 9 Q. So they should still be in the company's files,  
 10 those records?  
 11 A. That's correct.  
 12 Q. You didn't make an effort to locate them for today?  
 13 A. The records?  
 14 Q. Yeah.  
 15 MR. MONROE: We'll make an effort.  
 16 MR. McPHERSON: Okay.  
 17 THE WITNESS: We can search for them, all right.  
 18 MR. MONROE: If we can find the record responsive to  
 19 it, we'll send it on to you.  
 20 MR. McPHERSON: Great.  
 21 MR. MONROE: You won't need to do a request for  
 22 production.  
 23 MR. McPHERSON: Great.  
 24 Q. In those two prior incidents that the company was  
 25 aware of, Captain Longnecker, can you tell me where the line

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1 failed in relation to the connection to the parasail chute and  
 2 the point where it enters the deck winch on the deck of the  
 3 boat? In other words, did it part in the middle of the bite  
 4 closer to the chute, or do we know?  
 5 A. I don't know.  
 6 Q. Was that ever investigated; do you know?  
 7 A. I don't believe it was. I wasn't -- these different  
 8 incidents you're talking about, I wasn't the master of the  
 9 vessel, so I really don't know the specifics of where the line  
 10 parted or any of those things. I just don't know.  
 11 Q. Okay. We can agree, can't we, that the failure of a  
 12 towing line with passengers aloft is a potential safety  
 13 problem?  
 14 A. I guess. I mean, we haven't had anybody hurt on the  
 15 other incidents so, I mean, I don't know if I can agree to  
 16 that, but you could say that's not a normal practice, that's  
 17 correct.  
 18 Q. Was anything done to investigate the cause of those  
 19 two line incidences failure?  
 20 MR. MONROE: Asked and answered.  
 21 BY MR. McPHERSON:  
 22 Q. By the company?  
 23 MR. MONROE: Asked and answered.  
 24 BY MR. McPHERSON:  
 25 Q. You can respond, if you would.

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1 A. I believe no one was hurt. There was no further  
 2 investigation needed on any of the other incidences.  
 3 Q. So none was done?  
 4 A. Right.  
 5 Q. Let's turn, then, to the second topic for today's  
 6 proceeding, which is the extent of use and wear, if any, of  
 7 the tow line involved in the subject accident from the time of  
 8 its first acquisition up until the subject accident occurred.  
 9 Let's come at that by getting a few preliminary things.  
 10 Do we know when the particular line that was  
 11 involved in this accident was purchased by the company?  
 12 A. I believe it was purchased a week or two prior to  
 13 the boat being delivered in Hawai'i.  
 14 Q. Okay. And do you recall when that was, when the  
 15 boat was delivered?  
 16 A. I believe the vessel arrived July 22nd, and I  
 17 believe I had purchased a couple of spools of line. I buy a  
 18 lot of line from Ocean Products, which is the company that we  
 19 get the line from. We have, you know -- of course I keep line  
 20 on hand if we need it, when we need to change it, and I think  
 21 we had two spools prior to the vessel arriving in Honolulu.  
 22 Q. Okay. Let me show you a couple of invoices that you  
 23 may recognize from the production of documents that the  
 24 company gave to us.  
 25 A. Okay.

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1 Q. And first of all, they are both invoices from the  
 2 Ocean Products Research, Inc. company, right?  
 3 A. That's correct.  
 4 Q. Okay. And that's the supplier you were referring to  
 5 a moment ago?  
 6 A. Yes, sir.  
 7 Q. Okay.  
 8 MR. MONROE: Can we have a second copy?  
 9 MR. McPHERSON: I'm sorry, yeah, I do. Here you go.  
 10 MR. MONROE: Thank you.  
 11 BY MR. McPHERSON:  
 12 Q. Okay. One is dated, shipping dated May 19, '04, and  
 13 the second one has a shipping date of June 16, '04.  
 14 Do you see that?  
 15 A. That's correct, I see that.  
 16 Q. Okay. It appears to me that these two invoices  
 17 describe the same product, though.  
 18 They describe it as quarter-inch 1200 foot Amsteel  
 19 Blue rope, correct?  
 20 A. That's correct.  
 21 Q. Okay. So looks like the June invoice was for two  
 22 each, and the May invoice for one  
 23 A. That's correct.  
 24 Q. All right. Are either of these invoices, can you  
 25 say, reflective of the purchase of the rope that was involved

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1 in the subject accident?  
 2 A. I would, yeah. It would be the second, the one that  
 3 had two spools, the June, the June shipping date.  
 4 Q. Okay. And refresh me, if you would. I think  
 5 earlier you -- I think earlier you testified that you weren't  
 6 sure if the line incidents prior to this subject accident in  
 7 which the line parted involved the same line --  
 8 A. Um-hum.  
 9 Q. -- or a different line.  
 10 You're not certain as you sit here; is that correct?  
 11 A. Not certain.  
 12 Q. I'm sorry?  
 13 A. I'm not certain, no.  
 14 Q. Okay.  
 15 A. We have two boats, sir.  
 16 Q. Okay.  
 17 A. They run the same line. So the other partings most  
 18 likely might not have been on the same vessel.  
 19 You do understand that, don't you, we have two  
 20 vessels?  
 21 Q. I didn't understand that.  
 22 A. Okay. We need to clarify that.  
 23 Q. Okay.  
 24 A. We have two vessels that run the same line.  
 25 Q. Okay. Do they use the line in different ways?

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1 A. Nope, identical.  
 2 Q. Okay.  
 3 A. They are winched on. They are hydraulically winched  
 4 in and out. This June receipt you're looking at, 5-17 --  
 5 Q. Yeah.  
 6 A. -- most likely was on the motor vessel NACHO, NACHO  
 7 I, which is a different vessel.  
 8 Q. You said "17."  
 9 You mean the May?  
 10 A. The May, yeah. The 5-19 shipping date, that was  
 11 most likely on NACHO, obviously, because X-TREME wasn't here  
 12 yet. X-TREME didn't come until July.  
 13 Q. Okay.  
 14 A. So this was definitely not on X-TREME.  
 15 Does that make sense?  
 16 Q. It does, and it would presume, then, that the line  
 17 that's described in the May invoice was never rigged on the  
 18 X-TREME at any point.  
 19 A. That's correct. That's without a doubt correct. We  
 20 would never go take one line off another boat and put it on  
 21 another boat. We don't do that.  
 22 Q. Why not?  
 23 A. Because we install brand-new line. When this boat  
 24 was received in Honolulu --  
 25 Q. The X-TREME you mean?

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1 A. The X-TREME.  
 2 Q. Yeah.  
 3 A. I personally put a brand-new spool of Amsteel Blue  
 4 on that winch.  
 5 Q. Okay. Was --  
 6 A. And that boat didn't arrive until July 22nd. So the  
 7 line was most likely put on the 23rd or the 24th.  
 8 Do you understand? It was shipped through Matson.  
 9 Sat over at Matson Navigation. I went and picked it up, put  
 10 the arc -- I had to mount the radar arch. There's lots of  
 11 things you have to do before the boat goes in the water.  
 12 Q. Um-hum, and, okay, and one of which being installing  
 13 the sailing line, the tow line?  
 14 A. That's correct.  
 15 Q. Okay. And was the tow line that was installed new  
 16 aboard the X-TREME when it came ever changed out before the  
 17 subject accident?  
 18 A. I don't believe it was.  
 19 Q. Would that be recorded in any record?  
 20 A. It would if it was changed out.  
 21 Q. Maintenance records?  
 22 A. It should be in the ship's log if it was changed,  
 23 that's correct.  
 24 Q. Okay. Have you reviewed those logs?  
 25 A. I think, yeah. I produced 'em and gave 'em to Roy,

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1 and I haven't seen 'em really since then, so...  
 2 MR. McPHERSON: Did you produce them to us?  
 3 MR. MONROE: You didn't ask for 'em.  
 4 MR. McPHERSON: Okay.  
 5 MR. YEMPUKU: They weren't included in the  
 6 production.  
 7 MR. McPHERSON: All right.  
 8 Q. So basically the uncertainty as to whether the same  
 9 line involved in our accident, meaning the one in this case,  
 10 and the two prior incidents that the company was aware of, the  
 11 uncertainty of whether it was the same line involved in more  
 12 than one incident stems from the fact that we don't know which  
 13 vessel was involved in the prior incidents, as you sit here;  
 14 is that correct?  
 15 A. Correct.  
 16 Q. All right. Did Jason Bernt sail aboard the NACHO?  
 17 A. I believe he did, yes, sir. At the time of this we  
 18 had --  
 19 MR. MONROE: There's no question pending.  
 20 THE WITNESS: All right.  
 21 BY MR. McPHERSON:  
 22 Q. At the time of this accident you were running both  
 23 boats?  
 24 A. That's correct.  
 25 Q. Is that what you were going to say?

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1 A. Yeah.  
 2 Q. And Jason was working on both?  
 3 A. Um-hum, that's correct.  
 4 Q. (Indicating.) And, again, the vessel logs from both  
 5 vessels should clear that up because the failure of the line  
 6 should be noted somewhere in the log, correct?  
 7 A. That's correct.  
 8 Q. All right. Okay, then. So it appears that we are  
 9 clear that the line involved in the subject accident was  
 10 shipped in mid June '04 and installed on the boat just after  
 11 its arrival, which would have been the last week of July.  
 12 A. That's correct.  
 13 Q. Okay. Do you know how many flights it was used in  
 14 after it was installed before the accident?  
 15 MR. MONROE: Objection, calls for speculation, lack  
 16 of foundation.  
 17 THE WITNESS: We could guess.  
 18 BY MR. McPHERSON:  
 19 Q. Okay. And the records, the vessels' records would  
 20 reflect how many flights, wouldn't they?  
 21 A. Possibly.  
 22 Q. Okay. You didn't review those records in preparing  
 23 today?  
 24 A. No.  
 25 Q. When you say "possibly," wouldn't there be a number



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1 Q. Okay. And the Amsteel Blue rope, that's what this  
2 particular tow line's known in, in the parasailing industry?  
3 A. That's what Sampson Technologies calls it.  
4 Q. Okay. And was that particular product selected for  
5 any particular reason?  
6 A. Its strength.  
7 Q. Anything else?  
8 A. That's it.  
9 Q. Okay. I noticed in the answers to interrogatories  
10 that we marked as, I believe, Exhibit 2 -- before we go on,  
11 let's go ahead and mark the invoices as 3 and 4, respectively.  
12 The May one is 3, and the June one is 4.  
13 With respect to the interrogatory 2 in the  
14 interrogatories you should have there near to you, let me ask  
15 you to look at answer No. 8 on page 8, or beginning on page 8  
16 there at the bottom.  
17 You see that?  
18 MR. MONROE: Response to interrogatory No. 8, is  
19 that what you're talking about?  
20 MR. McPHERSON: Yeah, yeah.  
21 (Claimants' Exhibit Nos. 3 & 4  
22 were marked for identification.)  
23 BY MR. McPHERSON:  
24 Q. The second sentence in the response says, "The tow  
25 line parted under normal weather and normal operating

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1 conditions and within the safe operating parameters as  
2 determined by the manufacturer." It's that last phrase I want  
3 to ask you about, Mr. Longnecker.  
4 What are the company's -- what is the company's  
5 understanding of the safe operating parameters as determined  
6 by the manufacturer for this particular tow line?  
7 A. A minimum of 5800 pounds breaking strength.  
8 Q. Okay.  
9 A. Or three-eighths diameter.  
10 Q. What is the typical strain in terms of pounds on the  
11 tow line during a parasail operation?  
12 MR. MONROE: Objection.  
13 MR. McPHERSON: Or what's the range of it?  
14 THE WITNESS: I don't know.  
15 MR. MONROE: Objection, calls for an expert opinion.  
16 BY MR. McPHERSON:  
17 Q. Is it 5800 foot pounds? Is that the measure, more  
18 precise measure; do you know?  
19 A. I don't know.  
20 Q. Okay. So the 5800 pounds minimum breaking strength,  
21 that comes from some manufacture --  
22 A. Standard. That's a standard in the industry. It  
23 would be like a PAPO standard.  
24 Q. Okay. And this line meets that standard, as far as  
25 you know?

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1 A. Exceeds it.  
2 Q. Exceeds it.  
3 Do you know what its breaking strength is?  
4 A. Ninety-six hundred.  
5 Q. But as you sit here, the company is not able to know  
6 how many pounds strain is on the line during its operations?  
7 A. That's correct, I have no idea.  
8 Q. Okay. How do we know that it's less than 9600?  
9 MR. MONROE: Objection, argumentative and you're  
10 going beyond the subject No. 2, parameters of No. 2 area of  
11 inquiry of the 30(b)(6).  
12 BY MR. McPHERSON:  
13 Q. Do we know?  
14 A. No, we do not.  
15 Q. And the Amsteel Blue is a synthetic fiber line; is  
16 that correct?  
17 MR. MONROE: Objection, calls for speculation, calls  
18 for an expert opinion.  
19 THE WITNESS: I don't know what it's made of, sir.  
20 BY MR. McPHERSON:  
21 Q. You must have a lot of experience with line, though;  
22 your time in the Coast Guard and your subsequent career in the  
23 civilian industry; is that fair?  
24 MR. MONROE: Counsel, that's beyond the parameters  
25 of the 30(b)(6) deposition, and we're not going to go there,

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1 all right? Stay within No. 1, 2 and 3 and we're okay. You  
2 want to go outside that, that's -- you know, you're exceeding  
3 the scope of this deposition. This witness was not prepared  
4 for questioning in other areas other than these areas that  
5 you've noticed this deposition for.  
6 MR. McPHERSON: I think it's within it.  
7 Are you instructing him not to answer, or can we go  
8 on?  
9 MR. MONROE: Well, we're getting close to it.  
10 MR. McPHERSON: Okay.  
11 MR. MONROE: All right.  
12 BY MR. McPHERSON:  
13 Q. What was the answer? Do you remember the question?  
14 MR. MONROE: The question -- ask the court reporter  
15 to read back the question. I don't want him to rely on his  
16 memory.  
17 Madame Reporter, would you read it back, please.  
18 MR. McPHERSON: I'll restate it.  
19 MR. MONROE: All right.  
20 BY MR. McPHERSON:  
21 Q. I'll try and shorten it for you.  
22 You've had a lot of experience with line in your  
23 time?  
24 A. That's fair to say.  
25 Q. That's fair, okay.

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1 You'd agree that line can be compromised if it's  
 2 chaffed or cut, wouldn't you?  
 3 A. I would think that's a safe --  
 4 MR. MONROE: Objection, it's vague, ambiguous, and  
 5 calls for an expert opinion.  
 6 MR. McPHERSON: You can answer, though.  
 7 MR. MONROE: If you want to give an opinion, you  
 8 can.  
 9 THE WITNESS: Yeah. I mean, I'm not going to give  
 10 an opinion on that.  
 11 BY MR. McPHERSON:  
 12 Q. Did the X-Treme company have any procedures with  
 13 dealing with its parasail tow lines, should they become  
 14 chaffed or cut?  
 15 MR. MONROE: Objection. Counsel, this does not go  
 16 into the No. 2. No. 2 goes to the extent of use and wear, if  
 17 any, of the tow line involved in the subject accident from the  
 18 time of its first acquisition up until the subject accident  
 19 occurred. Now, that is clearly beyond the parameters of and  
 20 scope of that particular area of inquiry.  
 21 MR. McPHERSON: I don't think so.  
 22 MR. MONROE: Well, I think it is.  
 23 BY MR. McPHERSON:  
 24 Q. Let me ask you a different question, Mr. Longnecker.  
 25 Is there any information that's available to the

1 MR. McPHERSON: Well, we'll reserve all rights to  
 2 compel an answer to it.  
 3 MR. MONROE: That's fine. You can take his  
 4 deposition as a fact witness, but he's here today on a  
 5 30(b)(6). You want to Notice his deposition as a fact  
 6 witness, then whatever you want to do.  
 7 All right?  
 8 MR. McPHERSON: All right.  
 9 MR. MONROE: Howard, we've been at this for about an  
 10 hour.  
 11 Can we take a break? I need a cigarette.  
 12 MR. McPHERSON: Sure. Off the record.  
 13 MR. MONROE: Okay.  
 14 (Recess was taken from 2:54 to 3:10 p.m.)  
 15 MR. McPHERSON: Back on the record.  
 16 Q. Mr. Longnecker, after the break is there any of your  
 17 previous testimony you feel you need to correct or amend?  
 18 A. No.  
 19 Q. All right. The tow line that was involved in this  
 20 subject accident, was it inspected for wear at any time on the  
 21 day of the accident prior to the accident?  
 22 A. The captains and crew are instructed to inspect the  
 23 line daily.  
 24 Q. Okay. Do you know if they did?  
 25 A. I don't. I tell them. I mean, we verbally tell

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1 company that the tow line involved in this case was subjected  
 2 to any chaffing or cutting on the day of the accident?  
 3 A. Not that I'm aware of.  
 4 Q. Okay. You're not aware of one of the passenger's  
 5 statement that it went under the boat and had to be retrieved  
 6 from underneath?  
 7 A. That's the first I've ever heard of that.  
 8 Q. Okay. I'm going to ask you to assume that that's  
 9 true.  
 10 A. You're asking me if that's true.  
 11 Q. No, I'm asking you to assume that that's true; that  
 12 the tow line went under the boat prior to the subject  
 13 accident, okay?  
 14 A. I have no idea.  
 15 Q. I know.  
 16 MR. MONROE: Wait, wait, go ahead.  
 17 BY MR. McPHERSON:  
 18 Q. Would the company have any procedures in place in  
 19 order to check for any wear with regard to the tow line in  
 20 such a circumstance?  
 21 MR. MONROE: Objection, it's an incomplete  
 22 hypothetical, calls for an expert opinion, goes beyond the  
 23 scope of the 30(b)(6) deposition. Next question. He's not  
 24 answering it.  
 25 Okay?

1 them to inspect it. If they did or not, I don't know.  
 2 Q. What are they told to look for?  
 3 A. These guys that we hire, sir, are already parasail  
 4 captains, so I don't tell them what to look for. They know  
 5 what they are looking for.  
 6 Q. What are they looking for? I mean, can you describe  
 7 the wear that would be visible on inspection?  
 8 A. Well, the line, you know, we inspect it daily, the  
 9 end. They don't inspect the entire length of the line. We  
 10 inspect the ends of it. When it needs to be trimmed, we cut  
 11 it.  
 12 Q. What would indicate it needs to be trimmed?  
 13 A. That's up to the skipper.  
 14 Q. The company doesn't have any guidelines --  
 15 A. No.  
 16 Q. -- in that regard? (Attorney nods head.)  
 17 When would you trim it, if you were the captain?  
 18 MR. MONROE: You're going beyond the scope of  
 19 paragraph 2, Counsel. I'll let him answer it if he wants to  
 20 answer it.  
 21 THE WITNESS: Yeah. I don't even know how to answer  
 22 that question.  
 23 MR. McPHERSON: All right. We'll take that up  
 24 another time when you are able to answer it.  
 25 Q. Let's move to the third subject for today's

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1 proceeding, which is the subject of what became exactly of the  
 2 failed portion of the tow line involved in this accident.  
 3 In terms of background and context, what portion of  
 4 the line did fail; do you know?  
 5 A. I believe it was close to where it's tied.  
 6 Q. To the chute?  
 7 A. That's correct.  
 8 Q. Okay. Do you know how close, can you estimate?  
 9 A. I don't know.  
 10 Q. Did you ever see the failed portion?  
 11 A. I did not.  
 12 Q. How do you come to the understanding that it was  
 13 close to the tied end?  
 14 A. Because we continued to use that same line for, I  
 15 believe, two or three days after the incident, so I know it  
 16 couldn't have been too far in the middle or too far from the  
 17 end.  
 18 Q. Because the line would have been shortened, you  
 19 mean?  
 20 A. Correct.  
 21 Q. Okay. But isn't it 1200 feet?  
 22 A. Yeah, but it's not -- at the day that that happened  
 23 I don't know how long it was, because we trim it daily, so you  
 24 know what I mean? It's hard to say how much line was on that.  
 25 Q. You mean when the day began in which the accident

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1 occurred, it's hard to say how much was remaining of it at  
 2 that time?  
 3 A. That's correct.  
 4 Q. Out of the original 1200?  
 5 A. Well, the original 1200, when you put it on the boat  
 6 you leave about 150 on the drum that never comes off because  
 7 we mark it so you know where the line is when you're letting  
 8 it out. We never let out more than probably a thousand feet.  
 9 Q. Okay. Is that having to do with the flying  
 10 operation, that's where you get it to a proper height, or is  
 11 there some other reason?  
 12 A. No. It's just the way we do it.  
 13 Q. Okay.  
 14 A. Leave that much on the drum, just leave it on there.  
 15 Q. And no particular reason, though?  
 16 A. (Witness shakes head.)  
 17 Q. Okay. So what you're saying is by measuring the  
 18 length after the failed portion was cut away, you're still not  
 19 able to determine how much was cut away; that's what you mean?  
 20 A. Correct.  
 21 Q. Okay. And when was the failed portion cut away?  
 22 A. I don't know the answer to that question.  
 23 Q. But you say the line was continued in use for -- did  
 24 you say two or three days after the accident?  
 25 A. I believe so, yeah. I wasn't the captain, so I have

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1 no idea if -- you know, I don't know. I just don't know.  
 2 Q. Do you know who was the captain from -- well, we  
 3 know on the day of the accident it was Captain Jamie, right?  
 4 A. That's correct.  
 5 Q. How do you pronounce his last name?  
 6 A. Regelbrugge.  
 7 Q. Regelbrugge.  
 8 MR. YEMPUKU: That was a good question.  
 9 MR. MONROE: Polynesian name.  
 10 MR. McPHERSON: Call him -- Captain Jamie we'll call  
 11 him.  
 12 MR. MONROE: Yeah.  
 13 BY MR. McPHERSON:  
 14 Q. All right.  
 15 MR. MONROE: Captain Jim.  
 16 BY MR. McPHERSON:  
 17 Q. He was the captain on the day of the accident?  
 18 A. That's correct.  
 19 Q. How about the days following it when the tow line  
 20 was still in use?  
 21 A. I believe it was John Gonda.  
 22 Q. All the rest of 'em?  
 23 A. I believe so.  
 24 Q. Okay. Do you know if it was cut back after it  
 25 failed?

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1 A. I'm not positive that it was, but I'm assuming it  
 2 was.  
 3 Q. You assume so?  
 4 A. I'm assuming, yeah.  
 5 Q. Because you wouldn't want to use the frayed failed  
 6 portion in the rigging after that, right?  
 7 A. Correct.  
 8 Q. Okay. So in order for its continued use, you assume  
 9 it was cut back, and you're not sure if it was Captain Jamie  
 10 or Captain John that --  
 11 A. It was most likely Captain John --  
 12 Q. Okay.  
 13 A. -- that trimmed it.  
 14 Q. And is he still working with the company?  
 15 A. He subcontracts, like I said. He just left earlier.  
 16 I stated he left August 31st. He's back in Arizona. He'll be  
 17 back in December.  
 18 MR. MONROE: You can do him the same time we do your  
 19 client in L.A.  
 20 MR. McPHERSON: We can talk about all that stuff  
 21 after.  
 22 Q. So you didn't talk to Captain John Gonda is it?  
 23 A. That's correct.  
 24 Q. Gonda, about whether he cut back this line or not?  
 25 A. I was actually -- I was in Japan, I think, on the



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1 23rd. I left several days after that or a few days after  
 2 that.  
 3 Q. I mean in connection with trying to ascertain --  
 4 A. No, no.  
 5 Q. -- when and by whom it was discarded?  
 6 A. (Witness shakes head.)  
 7 Q. "No?"  
 8 A. No.  
 9 Q. Do you know when and by whom it was discarded?  
 10 A. No.  
 11 Q. Do we know why it was discarded?  
 12 A. No.  
 13 Q. So fair to say after the accident there was -- no  
 14 effort was made to preserve it?  
 15 A. The line was preserved approximately two to three  
 16 days after the accident.  
 17 Q. But not the failed portion?  
 18 A. The failed portion, I'm not sure. I don't know what  
 19 happened to it.  
 20 Q. It might still be around somewhere?  
 21 A. It's possible. I mean, I believe the whole length  
 22 of the line was preserved. Now, whether the end of that, the  
 23 bitter end of that was the failed portion or not, I don't  
 24 know.  
 25 Q. How would you find out if you're trying to find out?

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1 A. I don't. You'd have to have a crystal ball --  
 2 Q. Okay.  
 3 A. -- to find out if that bitter end is what actually  
 4 failed. I don't know. I don't know how you can find that  
 5 out.  
 6 Q. You mean to find out why it failed, is that what  
 7 you're saying?  
 8 A. No.  
 9 Q. I didn't quite understand you.  
 10 A. The line that was on that drum was put into a trash  
 11 bag.  
 12 Q. Okay.  
 13 MR. MONROE: Wait, wait a minute. Let's get the  
 14 question out.  
 15 MR. McPHERSON: Let him finish.  
 16 MR. MONROE: Let's get a question out before he  
 17 answers.  
 18 Now, what's the question?  
 19 BY MR. McPHERSON:  
 20 Q. Do you know if the failed portion of the line that  
 21 was involved in this accident still exists somewhere and  
 22 still -- someone has it somewhere?  
 23 A. I don't know.  
 24 Q. Okay. How would you find that out if you were going  
 25 to find out?

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1 A. I don't understand your question.  
 2 Q. If you wanted to determine whether that line's been  
 3 permanently disposed of irretrievably or whether it's sitting  
 4 somewhere --  
 5 A. Um-hum.  
 6 Q. -- at this moment, how would you find that out?  
 7 A. How would I find out if that line?  
 8 Q. The failed portion of the line.  
 9 A. Failed portion of the line, that would probably be a  
 10 question for Jamie and Jason, but I never asked it, so I don't  
 11 know.  
 12 Q. And why do you say those two; because you think  
 13 presumably that they did something with it?  
 14 A. Well, no. They put the boat up after the -- that  
 15 day.  
 16 Q. Any other way that you think you could determine  
 17 what happened to the failed portion?  
 18 A. No.  
 19 Q. Okay. Are those two guys available to the company  
 20 to ask that question?  
 21 A. I don't know where they are. Like I said, they were  
 22 subcontracted. They are doing different things. I don't  
 23 know.  
 24 Q. Okay. I think Jason testified his last day was that  
 25 day, the day of the accident, last day of working.

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1 Is that your understanding, too?  
 2 A. I believe he started fishing, that's correct.  
 3 Q. Okay. How about Jamie, when did he leave the  
 4 company?  
 5 A. He -- I believe when I got back from Japan he was  
 6 parasailing with another parasail company.  
 7 Q. When did you get back again?  
 8 A. I believe it was the 29th to the 30th. I'm not  
 9 sure, not certain.  
 10 Q. I'm sorry, the 20 --  
 11 A. The 29th or the 30th of August.  
 12 Q. Of '04?  
 13 A. Correct.  
 14 Q. And he was gone by then, you think?  
 15 A. Well, I don't know.  
 16 Your definition of "gone," what do you mean by  
 17 "gone"?  
 18 Q. Not working for the company anymore.  
 19 A. I guess that would be -- that's one way to put it,  
 20 yeah. He was a subcontractor. I mean, he was no -- there was  
 21 no --  
 22 Q. Oh, okay.  
 23 A. I didn't fire him.  
 24 That's what you're asking me?  
 25 Q. He never was an employee; is what you're saying?



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1 A. Right.

2 Q. And then he was no longer working with the company

3 as a contractor by the time you returned from Japan?

4 A. Correct.

5 Q. Okay. Wouldn't the X-TREME vessel's log reflect if

6 that tow line was cut back on that day? It should, right?

7 MR. MONROE: After the accident or before the

8 accident?

9 MR. McPHERSON: After the accident.

10 THE WITNESS: If they filled out the log.

11 BY MR. McPHERSON:

12 Q. Okay. And you haven't looked at that?

13 A. No.

14 Q. So, Mr. Longnecker, in conclusion, then, with

15 respect to the question of what became of the failed portion

16 of the line, at least as you sit here now, the company doesn't

17 know what became of it?

18 A. That's correct.

19 Q. Or when, other than, well, you think it was cut back

20 sometime in that three-day period after the accident and

21 before the line was taken out of service?

22 A. That's a safe -- yeah, that's safe to say, yeah.

23 MR. McPHERSON: All right, then. Subject to getting

24 the logs and any right we may have to reopen the deposition to

25 ask questions on the information contained in those logs that

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1 weren't reviewed, I have no further questions at this time.

2 Thank you very much.

3 THE WITNESS: Um-hum.

4 MR. MONROE: We'll take an original, a copy, ASCII

5 disk and a compressed, and Mr. Yempuku will take a copy. We

6 will not waive reading and signing.

7 (Whereupon the deposition

8 was concluded at 3:24 p.m.)

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## WITNESS CERTIFICATE

1

2

3 I, GREGORY STUART LONGNECKER, hereby certify that I have

4 read the foregoing typewritten pages 1 through 60, inclusive,

5 and corrections, if any, were noted by me, and the same is a

6 true and correct transcript of my testimony.

7

8

9 Dated this \_\_\_\_\_ day of \_\_\_\_\_,

10

11

12

13

14

15

16 GREGORY STUART LONGNECKER

17

18

19

20

21

22

23 Signed before me this \_\_\_\_\_ day of \_\_\_\_\_

24

25

23 X-TREME PARASAIL, INC., Civil No. CV04-00730 BMK

24 Taken September 14th, 2005, by B. Kanoelani Cockett,

25 HI CSR No. 379, CA CSR No. 7995

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## CERTIFICATE

1 STATE OF HAWAII )

2 )ss.

3 CITY AND COUNTY OF HONOLULU )

4 I, B. KANOELANI COCKETT, CSR, Notary Public,

5 State of Hawai'i, do hereby certify;

6 That on September 14th, 2005, at 1:58 p.m. appeared

7 before me GREGORY STUART LONGNECKER, the witness whose

8 deposition is contained herein; that prior to being examined

9 he was by me duly sworn;

10 That the deposition was taken down by me in

11 machine shorthand and was thereafter reduced to

12 typewritten form under my supervision; that the foregoing

13 represents, to the best of my ability, a true and correct

14 transcript of the proceedings had in the foregoing matter.

15 I further certify that I am not an attorney for

16 any of the parties hereto, nor in any way concerned with

17 the cause.

18

19

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24

25

Dated this 26th day of September 2005 in Honolulu,

Hawai'i.

B. KANOELANI COCKETT,

HI CSR NO. 379, CA CSR No. 7995

Notary Public, State of Hawai'i

My commission expires: February 19th, 2009